THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.NO.29922 OF 1995

BETWEEN:

Smt Ch.V.Lakshmi Parameshwara Rao

.. Petitioner

and

TheChairman, Visakhapatnam Port
Trust and others

.. Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.NO.29922 OF 1995

ORDER:

The proceedings in C2/PC/ChVLPR/95, dated 18.04.1995 of the first respondent are challenged in the present writ petition.

By the said proceedings, the first respondent has imposed punishment of reversion on the petitioner from the post of Law Officer to that of the Assistant Law Officer for a period of two years without cumulative effect.

It is now submitted by Sri M.Ravindranath Reddy, learned counsel for the petitioner that subsequent to the imposition of the said punishment, the Visakhapatnam Port Trust have initiated three more disciplinary proceedings against the petitioner and that different punishments were imposed on her in those proceedings. It is also submitted that the appellate authority i.e. Secretary, Ministry of Shipping and Roads and Highways Department, Government of India (Ports Wing) has considered all the three appeals filed by the petitioner and exonerated the petitioner in respect of two disciplinary proceedings and closed the another appeal directing the petitioner to return the house rent allowance drawn in excess said to be against the guidelines.

Learned counsel fairly states that the petitioner is prepared to file an appeal against the proceedings impugned in the present writ petition. Learned counsel says that as the petitioner, who had reasonable apprehension that she may not receive justice before the appellate authority, at the time when the present writ petition was filed, bypassed the said remedy. One other reason according to the learned counsel for not preferring appeal was that the impugned order was passed in violation of principles of natural justice.

Having regard to the submissions made by the learned counsel for the petitioner, I deem it appropriate to close the present writ petition with a liberty to the petitioner to file an appeal before the Secretary, Ministry of Shipping and Roads and Highways department, Government of India (Ports Wing).

Learned counsel for the petitioner states that since the petitioner was prosecuting the present writ petition without filing appeal there will be a long delay in filing the proposed appeal I am sure the appellate authority would appreciate the circumstances under which the petitioner has filed the present writ petition without filing appeal and exercise discretion in favour of the petitioner in condoning the delay in filing the appeal, if such an appeal is filed by the petitioner.

With these observations the writ petition is closed. The petitioner is directed to file an appeal within a period of two weeks from the date of receipt of a copy of this order. It is needless to point out that the appellate authority would dispose of the appeal on merits as expeditiously as possible.

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C.V.NAGARJUNA REDDY,J

Dated: 10-10-2006
kvrm